

Arguments/Remarks:

This is in response to the Official Action of April 21, 2005 for the above-captioned application. Claims 5, 7 to 9, 23 to 25 and 32 to 42 are pending. Claims 5, 7, 8 and 23 are currently amended. Claims 1 to 4, 6, 16 to 22 are cancelled. Claims 10 to 15 and 26 to 31 were previously cancelled. Claims 39 to 42 are withdrawn.

Support for the amendment to Claim 23 may be found in paragraph 0051 of the published application where the dosage amounts of the compounds of Formula I may be less than about 5 mg.

The rejection of Claim 23 under 35 U.S.C. 112 for being indefinite for having the term “organoleptic properties” is rendered moot by the amendment to claim 23.

The rejection of Claim 23 under 35 U.S.C 103(a) as being obvious over U.S. Patent No. 5,565,466 ('466) in view of U.S. Patent No. 5,273,975 ('975) is respectfully traversed. Applicants respectfully submit that a proper prima facie case of obviousness does not exist for amended claim 23. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03 citing *In re Royka*, 490 F.2d 981, 180 U.S.P.Q 580 (CCPA 1974). “All words in the claim must be considered in judging the patentability of the claim against the prior art.” MPEP 2143.03 (citing *In re Wilson* 424 F.2d 1382, 165 U.S.P.Q 494, 496 (CCPA 1970)).

Presently, Claim 23 recites, in part, that the dosage for the compounds are in the range of about 0.1 mg to about 5 mg per dose. In contrast, the '975 patent discloses that dosage for the compounds of present Claim 23 are at least 10 mg (see col. 9, lines 58 to 61). Accordingly, since not all the claim limitations are taught or suggested by the prior art, there is not a proper prima facie case of obviousness and the rejection should be withdrawn.

Furthermore, the '975 patent actually teaches away from the present invention since it discloses that the dosage for the compounds to be effective are “at least” 10 mg. Because there is no teaching or suggestion in the cited references to use a dosage lower than 10 mg for the present compounds, the obviousness rejection should be withdrawn.

The rejection of Claim 23 under 35 U.S.C 103(a) as being obvious over the '975 Patent in view of U.S. Patent No. 5,501,861 ('861) is respectively traversed for the same reasoning above. Since neither cited documents discloses all the claim limitations, and since the '975 patent actually teaches away from the present invention, the obviousness rejection should be withdrawn.

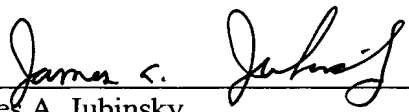
Applicants note the previous Official Action's statement that the withdrawn claims that depend from or include all limitations of an allowable product claims will be rejoined under MPEP 821.04. Applicants further reserve the right to pursue any non-elected or cancelled claims in a separate application or applications.

In view of the foregoing, examination and allowance of all pending claims in the application is respectfully requested.

A one-month extension of time fee is believed due for this submission. Please charge any appropriate fee to cover this submission to Pfizer Deposit Account No. 16-1445.

Respectfully submitted,

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